

# Bill as Introduced

HB 1485 - AS INTRODUCED

2010 SESSION

10-2362  
03/04

HOUSE BILL           **1485**

AN ACT               granting zoning and planning powers to Hampton Beach village district.

SPONSORS:           Rep. Kepner, Rock 15

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill grants zoning and planning powers to Hampton Beach village district.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears [~~in brackets and struck through~~].  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT                    granting zoning and planning powers to Hampton Beach village district.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1            1 Hampton Beach Village District; Powers Granted. The Hampton Beach village district shall
- 2 have the exclusive power within its territorial limits to enact and enforce zoning regulations and the
- 3 exclusive power within its territorial limits to enact and enforce planning regulations, together with
- 4 all the powers with respect thereto granted to municipalities under the provisions of RSA Title LXIV.
- 5            2 Effective Date. This act shall take effect upon its passage.

# Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1485

**BILL TITLE:** granting zoning and planning powers to Hampton Beach village district.

**DATE:** January 7, 2010

**LOB ROOM:** 301      **Time Public Hearing Called to Order:** 1:10 pm

**Time Adjourned:** 3:35 pm

(please circle if present)

**Committee Members:** Reps. ~~Cooney, Gagnon, Osborne, L. Brown, Laliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Patten, Boyce, O. Soucy, J. Sullivan, Crisler, Ferrante, Perkins~~ and ~~Sterling~~.

**Bill Sponsors:** Rep. Kepner, Rock 15

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Cordell Johnston** explained what a village district is. RSA 52 is the statute governing formation of village districts but many were established by specific laws previously. These are created to specifically provide water supply, fire services, sewage treatments, street maintenance. They can also be referred to as precincts.

**Rep. Susan Kepner**, sponsor, introduced the bill and spoke in favor. Other speakers here will give you more information about this bill. The residents pay town and precinct property taxes and I introduced this bill to give these residents the opportunity to control their own area.

Rep. Sterling: Why was the village district originally formed? Ans-I believe for fire protection.

**Frederick Welch**: Town manager of Hampton, spoke in opposition to the bill. I disagree with the characterization of this as enabling legislation. This will become effective upon passage. There will be no zoning [for example] when this becomes law unless something is acted upon very quickly. 31 residents of this district could make changes to their district that could change the character of the town of Hampton without any input from the other residents of the town. They could make changes that would effect our town sewers, etc.

Rep. Carlson: I assume this district now comes under the town of Hampton zoning and planning and the residents have input and access through that? Ans-Yes

Rep. Lauterborn: Do they have their own taxes now for services? Ans-Yes, they can pick any of the specific services under their charter but their taxes are assessed under the town. We have to pay the entire amount that is placed and enacted in the budget. Right now these funds are spent promoting the beach, all fire, sewage, etc. is paid by the town. Everything but the town portion of their taxes is assessed to the town.

\***Steve Roberts**, Attorney representing Hampton Beach Village District. We would welcome an amendment to enable planning and zoning procedures to avoid the concerns of the town of Hampton regarding that. It is not the intent of the District to allow uncontrolled growth.

Rep. Sterling: Has any thought been given to historic districts, etc? Ans -Yes, we have looked at seasonal business, etc. But there is nothing existing with reference to seasonal districts.

Rep. Sterling: So, this district feels that their concerns in promoting the beach have not been addressed by the town, there would be a zoning vacuum. Ans- As I said, we would welcome an amendment to

correct the 'effective upon passage' language.

Rep. Brown: There is no indication that the present situation does harm to the real estate and owners in the district. Ans- The current zoning and ordinances for the Beach District do not address unsightly seasonal businesses that have been allowed by the town.

Rep. Osborne: Are you looking at exclusionary zoning? Ans- I can't speak for the commissioners but I don't think eliminating seasonal housing at the beach would be enacted.

Rep. Osborne: If such housing was excluded, wouldn't that make the owner's property much more valuable? Ans- I don't know - I'm not a realtor.

Rep. Cooney: Do you have stats on owner versus rental property in the district? Ans- I don't have but we can provide.

Rep. Perkins: Most of the testimony we have received on this was from non-residents.

Rep. Patten: We granted zoning and planning powers to a water district in another part of the state that conflicted with the rest of the town. One neighborhood would have a different set of rules than their neighbors. Ans- The whole point is that this district has unique characteristics from the rest of the town of Hampton. The property owners have never had the opportunity to control their own district.

Rep. Patten: Have the district residents ever petitioned the boards to address their issues? Ans- I can't answer that, that would be a good idea.

Rep. Gagnon: What unique qualities exist in the district. Ans- The master plan provided to you explains how the district has grown and developed.

Rep. Osborne: How is the land owned? Ans- It's all privately owned.

**\*June White**, precinct commissioner. Supports the bill. The Precinct has made many proposals to the town Master Plan and we were told this was not the way to address them. The only beautification that has happened has been a result of volunteer action by our district residents. We have been criticized for the appearance of our district. We have proposed warrant articles to correct some of the offensive sites in our district and they are never approved by the rest of the voters.

Rep. Perkins asked about the state's efforts to build a new shell. Ans- That's fine, but that's just one site. The unsightly businesses that could use some help cannot get any from the town.

Rep. Osborne: So you are looking for less seasonal residents? Ans- There are many people looking to move to the district but there is nothing there year-round for residents to do or attend.

Rep. Sterling: Some of the items you mention about the Master Plan, have you attempted to fund some of these things on your own? Ans- We have done things with grants and private fundraising and volunteers. We had 20% of the parking that was allotted to us but that was taken from us by the town. We are going for the third year to get lighting.

Rep. Lauterborn: It would seem that this district would be important to the town's entire betterment. Have you any idea why they wouldn't have a vested interest in improvements? Ans- No, I don't know why. I have found information indicating that this has been an issue for a hundred years.

Rep. Sterling: Have you tried to do something to capture some of the extra taxes you pay to accomplish some of these goals? Ans- No. We haven't tried that.

**Richard Nichols**, Hampton selectman. Spoke in opposition to the bill. I am a bordering neighbor to the district I oppose this primarily because it would place too much power in the hands of a small number of people. Seabrook and Rye have districts similar to this proposal. Both of those began before there was any zoning or planning. I would suggest that the residents of this district run for positions on the boards as a method to address their concerns and to work more closely within those boards.

Rep. Lauterborn: Why haven't some of these issues haven't been addressed. Ans- Quite frankly, it is mostly money. The entire operating budget has been voted down five of the last six years.

Rep. Cooney: the issue about putting in a multi-story building. Ans- Height related zoning in this district has come forward twice.

Rep. Patten: Does your board of selectmen make recommendations on planning? Ans- No.

Rep. Gagnon: Are these boards elected? Ans- Yes

**Gary Kubik**, of Hampton Beach Village District, supports bill. Reiterated the bad image of the district.

**Leonard Paul**, Business owner in Village District. Supports bill. Feels appearance of the beach district is the major issue that is not being addressed by the town. Zoning should address building setbacks, etc. Stated that the idea to build 'upwards' is because there isn't room to build 'outwards.'

Rep. Lauterborn: Are the buildings of concern owned by out-of-staters? Ans- Yes

That may not be cured by this remedy, the district would have the same difficulty dealing with these owners as the town. We hope we could get something done through this bill.

**\*Mark Gearreald**, Attorney, town of Hampton. Opposes bill. The town has upgraded sewers, sidewalks and infrastructure. This area draws people from outside the state and even the country. Of course the town recognizes that. This bill seeks to put the power to control this area in the hands of a very small number of people. The Master Plan was created under the RSA to assist the town in dealing with the beach area. Implementation of some of the items they seek can be very expensive. The district residents can petition for zoning changes to be considered by the voters under statute. The Hampton Beach Improvement Co. was instituted in 1887 to last 99 years. The town has every interest in promoting the beach. After the 99 years lapsed, the town sold most of the land parcels relinquished back to the town and the proceeds (\$18 million) went into a trust fund and were expended after public hearings and input for betterment.

Rep. Cooney: who controls the trust \$. Ans -The trustees, who are elected.

Rep. Cooney: Why wasn't some of that money used for the items the district seeks? Ans.-The money has been spent on the infrastructure, for example, for the lighting. the actual final lighting proposal failed, but the town has already put in the facilities to enable them.

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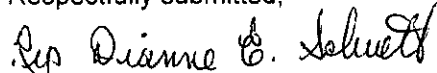
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Respectfully submitted,



Rep. Dianne E. Schuett

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Hearing closed at 3:35 p.m.

Respectfully submitted,

Rep. Dianne E. Schuett

# Testimony

GRANT OF ZONING AND PLANNING POWERS  
TO HAMPTON BEACH VILLAGE DISTRICT

TESTIMONY OF STEPHEN H. ROBERTS,  
COUNSEL FOR THE HAMPTON BEACH VILLAGE DISTRICT

January 7, 2010

LOB 301

Madame Chairman, Members of the Committee:

It is my pleasure and an honor to be able to testify on behalf of HB 1485, introduced by Rep. Kepner.

The proposed legislation is similar to the authority granted by the General Court to Rye Beach and other village districts. The purpose of the legislation is essentially local control – to allow those directly affected by land use regulations to have the authority to develop planning and zoning provisions that can be tailored to the specific needs of Hampton Beach. It is not disputed that there is a significant difference between the Beach and the remaining parts of Hampton; a quick drive down Ocean Boulevard and Ashworth Avenue makes that difference evident. The Beach is clearly a seasonal area, with a greater emphasis on commercial businesses, lodging, entertainment and other visitor-related activities.

The residents of the Hampton Beach Village District – the Precinct – have a much closer connection and commitment to the Beach. Many are business owners; those residents and voters that are not business owners have also made a commitment to the Beach by virtue of their decision to live there year-round. It is not unreasonable for the resident of the Precinct – the unique Beach area – to seek the ability to adopt planning and zoning regulations that will be



specifically drafted to address the land use issues that are present at the Beach but not in other regions of the Town.

The need for such authority was recognized in The Hampton Beach Master Plan that was formally adopted by the Hampton Planning Board on November 7, 2001. By adopting the Master Plan, the Town has officially recognized the unique nature of the Beach area, and the need to allow the Beach to have greater control over its own destiny. Copies of the Master Plan are being provided to the Committee.

The Master Plan includes an overall vision for Hampton Beach, in § 1.C.; included within that vision is the following:

*“Building heights and densities should remain moderate and consistent with the image of a clustered coastal village. Buildings should be attractive, well maintained, with a unique character linked to the historic traditions and special beach conditions found here.”*

In order to address these concerns, one of the key recommendations of The Hampton Beach Master Plan is the adoption of new planning and zoning regulations that will “... reinforce the moderate scale and pleasant qualities of Hampton Beach”. The Master Plan specifically states that the necessary regulatory action needed to achieve these goals includes the establishment of zoning incentives, better enforcement of zoning and building codes, and the reduction in the granting of variances or special exceptions that weaken land-use regulations; see § 1.D. of The Hampton Beach Master Plan.

Those issues are addressed by zoning ordinances, and enforced by the planning board and zoning board of adjustment. The Master Plan reviewed the Town zoning ordinances as applied

to The Beach area, and found several areas where the ordinance did not address the unique circumstances of The Beach. The Master Plan concluded that "... there has been a mismatch between the properties and uses at The Beach and the regulations that control them. It appears that the ordinance does not adequately serve property owners in The Hampton Beach area, and consequently it may need to be substantially revised." See § 2.B. (Emphasis added)

The issue for this Committee is whether the Hampton Beach Village District is better-suited to develop the land-use regulations that are needed at the Beach, or if that authority should remain with the Town. The Master Plan made several specific recommendations for improvements to the zoning regulations, as set out in § 4.B. Included in those recommendations were changes to the dimensional regulations associated with the percentage of an impervious surface, front setbacks and the need to increase minimum lot sizes in the Business Seasonal district. None of these recommendations have been adopted by the Town, despite the fact that the Zoning Ordinance has been amended six times since the Town of Hampton Planning Board adopted the Master Plan in 2001. The current ordinance provisions associated with dimensional requirements within the Business Seasonal districts have not changed since 1998.

It is important to note that the Master Plan was not a product of the Hampton Beach Village District. Rather, it was developed by a cross-section of government and community leaders, including representatives from the following:

- a. Hampton Town Manager
- b. Hampton Planning Board Chairman
- c. Hampton Town Planner
- d. Hampton Conservation Commission
- e. Hampton Zoning Board of Adjustment

- f. Board of Selectmen
- g. Hampton Beach Village Precinct
- h. Various representatives from DES, DRED, and the General Court.

The Master Plan is an exhaustive study of the Beach area that sets out a comprehensive strategy to address the unique needs of the Beach. It has been officially adopted by the Town of Hampton, and I respectfully suggest that this Committee should give great deference to that Master Plan.

The Town of Hampton has had an opportunity to implement the Master Plan recommendations, but has not done so. The bill proposed by Rep. Kepner would permit the Hampton Beach Village District the opportunity to develop, adopt and enforce land-use regulations that will address the issues that are exclusively a concern of the Beach area, such as boarding-up seasonal businesses. The General Court granted similar authority to The Rye Beach Village District in 1937, and there have been no indications of any problems with that procedure. Hampton Beach is different from the other parts of the Town, and deserves an opportunity to control its own destiny.

There is no prejudice to the Town by granting the Hampton Beach Village District the authority to enact and enforce land-use regulations. The Town will still be the beneficiary of all tax revenues, and still have full police powers. In fact, there may be some savings to the Town, as any land-use litigation would then be a responsibility of the Hampton Beach Village District, not the Town of Hampton.

The Village Precinct Commissioners urge this committee to act favorably on HB 1485, and begin the process whereby the Beach can begin to make the improvements recommended in the Master Plan over eight years ago.

Jane White

Hb1485

Researching the coastal communities of Massachusetts, New Hampshire and Maine we've found they all have their own planning and zoning or a separate committee or commission that handles their waterfronts. Portland has a waterfront economic development committee and a 30 person design guidelines counsel. All these coastal communities that handle their waterfronts separately have created viable, lively, inviting year round tourist environments.

Hampton Beach is deteriorating and has been for many years now. The money the state recently allocated to fix and rebuild the states old and deteriorating buildings is NOT going to do anything to help the rest of the beach which is in desperate need.

There are residents at the beach who are dedicated and working hard to bring about positive changes but the Precinct needs to have some authority to bring about these changes the beach needs to survive and grow.

Two months in the summer does not make Hampton Beach a destination place. The beach needs to attract visitors all year round. This move will increase taxes going to both the town and the state. As we proceed to make positive changes here at the beach, businesses will stay open longer, we will be able to fill vacant stores and attract new businesses to fill the vacant lots.

The Hampton Beach Master Plan was completed in 2001, The Master Plan states that a new management entity be created, that the new entity would require people who support the Master Plan. The Master Plan calls for the Precinct Commissioners to change their current role and take on the responsibility of implementing the required changes at the beach. The precinct has yet to have any authority to implement changes called for in the Master Plan.

A management entity was never formed, and the town instead tried to make changes to the beach through their Planning Board and Board of Selectmen, unfortunately none of the changes followed The Master Plan, instead it was the opposite of what the plan had purposed.

1. The Master Plan: suggested that change be made to the core commercial and beach activity areas to create the image and character of a neighborhood village. The Plan goes on to say current uses do not represent the highest & best uses for that area, i.e. the town parking lot, the casino & the seashell stage area. A new village center with small businesses, restaurants, & other small scale businesses would help create a new image of this area. Some buildings will have to be rehabbed or demolished to support this strategy.

Instead the Planning Board approved a building that was the entire length & width of 6 combined lots, with turrets?, built out to the side walk with no set back and a massive presence directly on the beach.

2. The planning board decided to change the height limits for commercial buildings at the beach from 50 ft. to 85 - 90 ft. Many residents from the beach showed up at planning board meetings to voice their objections. The planning board proceeded to place a warrant article at the town meeting that would have allowed builders/developers to build to a height of 85 – 90 ft.

The town voted the warrant article down.

The Planning Board then proceeded to place the same article the next year and once again the town voted it down.

There is talk now of placing the same warrant article for the third time, next year. All of this is directly in opposition to what the Master Plan calls for; a neighborhood village appearance.

3. The Master Plan: To maintain the existing character & scale of the residential areas. Their scale is small with low building heights.

To reduce the maximum amount of sealed surface.

The Planning Board approved a building that is fifty ft in height in an area of single level beach cottages. The lot currently has 7 small cottages on it with 100 yr old pine trees, grassy lawn & white picket fence. The area is the last remaining motor court on the beach; it was built in the 1930's.

All the trees, grass and cottages would be removed in the approved project and replaced with blacktop and a building covering 5 lots and 5 stories high.

In direct opposition to what The Master Plan recommends.

4. Master Plan: To identify & recognize important historic buildings & landmarks. This is critical to developing a diverse beach community and destination.

The project just previously mentioned is a good example of a historic landmark that should be preserved. The cottages could be kept as artist shops.

Recently there is talk of building a new fire station at the beach. The station would not be located where the current station now stands. Residents both in the Precinct and in town began to talk of saving the old station and preserving it, it was built in 1923.

The Board of Selectmen informed us they were totally opposed to saving the old station, that it should be torn down and the area blacktopped for more parking. The chairman of the BOS stated that was the dumbest suggestion he had ever heard, why would we ever consider saving the building, and went on to say that's just what we need a museum or historical building at the beach.

The direct opposite of what The Master Plan calls for.

Our town manager does not live at the beach or even in the town of Hampton.

The town planner does not live at the beach or in town.

The building inspector does live at the beach or in town.

The town attorney does not live at the beach or in town.

These people do not have the same level of interest in what happens to our beach as those of us who live at the beach. Many residents in town would like to see the changes made at the beach that the Master Plan calls for.

We at the Precinct are more than willing to take on the responsibility to begin to move forward with the implementation of The Master Plan, but we need to have the authority to make these changes. We need the ability to control the development of the Precinct. We need to have planning and zoning at the Precinct level.

June White, Precinct Commissioner

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ADDITIONAL POINTS FOR JAN. 7, 2010 COMMITTEE HEARING ON HB 1485

1. The act as currently worded in Section 2 becomes effective as of the date of its passage, giving “exclusive” power to the Hampton Beach Village District to enact and enforce zoning regulations and planning regulations within the territorial limits of the District. The Act does not address the impact of this legislation upon the existing zoning ordinance provisions that govern the District. The District has been governed by zoning ordinances enacted by the entire Town of Hampton since March 8, 1949. Given the current wording as to effective date, it is conceivable that the District could be deemed upon the act’s passage to have no zoning ordinance in effect at all. The result could be chaos.

2. The Hampton Beach Village District does not exist in an economic vacuum. Not only has this area been part of the larger Town of Hampton since the Town’s founding in 1635-36, but also this area has been recognized in State Legislation (the Laws of 2003, Chapter 176, effective June 23, 2003) as being important on the State level.

3. When the Legislature established the Hampton Beach Area Commission in 2003, it created a nine member Commission, only two members of which represent the Hampton Beach Village District. The interests of the Town are also represented by two members, and three of the members are designees of state agencies.

4. The matter of how development proceeds in the District has been recognized in Chapter 216-J to be of concern to more than just the District: the Hampton Beach Area Commission, in follow up to the Hampton Beach Master Plan that was developed by the Town’s Planning Board at the expense of the entire Town, has among its responsibilities:

- to “consult and advise **the state and the town** on implementation strategies for the Hampton Beach master plan” (RSA 216-J:3, I)
- to “assist in the promotion, periodic review, and recommendation of updates of the Hampton Beach master plan (RSA 216-J:3, II)
- to “ensure consistent management of the plan” (RSA 216-J:3, III)
- to “assist **the town** to develop building and zoning code language and design review guidelines and procedures for the plan area” (RSA 216-J:3, IV)
- to “provide advice and counsel to **the state and the town** on proposed land use developments and capital projects for consistency with the plan” (RSA 216-J:3, VI)

5. The Legislature recognized by this legislation the importance to the entire State as well as the Town of how zoning and planning proceeds at Hampton Beach and broadens, not narrows, the parties involved. By contrast, this bill puts in the

hands of a very few resident individuals, who are not accountable to the Town, the power to control development at Hampton Beach.

6. The majority of major business owners in Hampton Beach do not live in the District, and this bill would enable the small number of landowners in residence in the District to control business development as well as residential land use.

7. The very existence of the District is antiquated, created in 1907 when the Beach was being developed under a 99 year lease beginning in 1897 from the Town to the Hampton Beach Improvement Company. The District's major function at that time was to provide fire protection, a function that it many years ago ceded to the Town of Hampton. The only real role of the District at this point is to make money from the parking areas it owns and to use the revenues for the purposes of promoting tourism at the Beach. This minor role is a far cry from taking on major responsibilities for planning and zoning that the Town of Hampton as a whole has been performing since 1949.

8. The Town of Hampton has invested in this decade \$12 million dollars in upgrading the infrastructure of Hampton Beach to make it a major economic engine for the benefit of the entire region and State, and in the last session the State committed an even greater amount to upgrade park facilities adjacent to the District. Now, via this proposed legislation, a few people in the Hampton Beach Village District essentially want to take control of the benefits of these improvements being paid for by the entire Town and by the entire State for their own parochial purposes.

9. The legislation makes no mention of what building codes are to apply in the District and no provision for the appointment of any building inspector to enforce them.

10. The enormous responsibilities, both cost-wise and personnel-wise that are entailed in implementing and administering planning and zoning are within neither the budget nor the expertise of the Hampton Beach Village District.

11. The motivation of the few individuals who have asked that this bill be sponsored is suspect. These few individuals want the Town to pay for all the amenities they enjoy, such as fire protection and new roads, but apparently want to exclude the Town from any say in how development proceeds using this infrastructure. The tail is trying hard to wag the dog.

12. If this act is not withdrawn, voted "inexpedient to legislate," or referred to interim study, it should at least be amended to have its terms become operable only after if it is submitted to and approved by the legislative body (Town meeting) of the Town of Hampton.

13. There is a significant administrative cost to operating a planning board and zoning board of adjustment, as well as to engage outside counsel to advise these

boards and defend their decisions in court. The Town of Hampton already covers these costs in house at significantly less expense that could be accomplished by the Hampton Beach Village District separately. For instance, the entire in house Legal Department for the Town runs at the rate of about \$95 per hour, whereas the cost when it hires outside counsel averages more than twice that much.

Mark S. Gearreald, Esq.  
Hampton Town Attorney  
100 Winnacunnet Road  
Hampton, NH 03842  
(603) 929-5816  
FAX (603) 929-5817

Thomas Morgenstern  
18 Cutler Avenue  
Hampton, NH 03842

January 6, 2010

Municipal and County Government Committee  
State House  
Concord, New Hampshire

Dear Chairperson Mary Cooney and Committee Members,

I am a resident of Hampton Beach Precinct and own two properties in separate neighborhoods within the precinct. I am in support of Hb1485. I have lived in Hampton since 1979 and on the beach since 1982. I am 51 years old. Over the years I have seen the Beach grow from a couple hundred year-round residents to now thousands. I have seen the political climate change from one of cooperation between the Town and the Beach to one of adversarial. The Town has grown large over the last three decades with uptown now resembling a typical upscale bedroom commuter town. One would be hard pressed to find another town in New Hampshire that has such a distinct difference as that between Hampton and Hampton Beach.

The Town adopted a master plan in 2001. One of the larger aspects of the Master Plan addressed the future needs of the Precinct. It has been over eight years since the adoption of the plan with little of the recommendations implemented. It has been long enough. This beach is floundering in stagnation. The Town has had it's chance. The residents of the precinct can debate our needs better than the residents of uptown. Please give the Precinct the chance at positive change that the Master Plan calls for by approving Hb 1485.

One of the recommendations of the Master Plan, adopted in 2001, was for major changes to zoning in the precinct. Over decades zoning was changed, mostly by citizen petition and then the changes were approved by the Town voters. Many areas of the precinct have had their zoning drastically changed so that once compliant neighborhoods have become 100% non-compliant. The citizen petitions changed beach zoning, which is recognized under the Master Plan as having density found in some US center cities and similar to density found throughout Europe, to the same as zoning districts found uptown. *The Beach is nothing like uptown.* Uptown lots are much larger than their more valuable beach brethren. For instance, one district, the island section, has been changed to RB zoning (residential B) from BS (business seasonal). The intent was probably to remove any attempt to commercialize the largely residential neighborhood. However, the change rendered every single existing lot and use non-conforming. The existing neighborhood standard lot size is 5000 square feet and under RB zoning in order to construct one single-family home 15,000 square feet is required. New set backs do not even come close to what the existing neighborhood reflects; this is more typical than atypical of neighborhoods in the precinct. The Simplex v Town of Newington NH Supreme Court

Ruling stated that zoning must reflect the neighborhood regulated. The majority of the Precinct's zoning clearly does not.

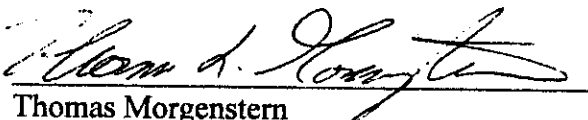
The result is that almost every project at renovation, which is badly needed throughout this beach, results in the necessity for a variance and sometimes planning board approval. This is overly burdensome and costly to the property owner and the Town, as aggrieved property owners are many times forced to take their petitions to Rockingham Superior Court to seek relief. I have had to sue my own town twice, together costing me almost \$65,000.00. A judge at Rockingham stated during my equity trial that "Hampton is the most-sued community in the State" and "do I have to come down there and run the Town?" Yet uptown people still wonder why property owners at the beach are not renovating their properties. We are referred to as slum-lords and careless absentee landlords. If we were able to bring our zoning into compliance with the standards set forth in Simplex and as articulated in the Master Plan, I am sure that the number of equity lawsuits against the Town would drop drastically, as most are generated from the beach and precinct. Also, imagine the efficiency of monies previously spent on attorneys and the process, could go directly into improvements.

Despite the recommendations of the Master Plan, very few corrective changes have been made by the Town. The status quo for the masses is not cutting it. Almost every major improvement to a property now requires a variance. Attempting to make improvements can become a nightmare. The master plan, which was paid for 1/3 by the State was adopted in late 2001. *That was over eight years ago. Still, little has changed.* I wonder at this point why we even bothered to pay for a master plan in the first place.

I agree that zoning and planning for the Precinct should be within the jurisdiction of the Precinct like Seabrook and Rye have. I urge you to please pass recommendation of Hb1485 by this committee. The uptown populace does not fully understand the Beach and have voted down proposed changes in the past. Many of them wish that the Beach did not exist at all. I have heard comment that the Beach is more beneficial to the State than the Town.

I started working on this beach as a carpenter when I was 19 years old. A woman named Leonita Partin, who owned the Americana Apartments was a good mentor to me. She often said "**be good to Hampton Beach and Hampton Beach will be good to you.**" She also said in regards to renovations on her property that "**I don't want it just to look better, I want it to be better.**" I have tried to live that part of my life with this in mind. Passage of this bill, I believe, will help all of us trying to rebuild the Precinct, make it *be better.*

Sincerely Yours,



Thomas Morgenstern  
18 Cutler Avenue  
Hampton, NH 03842

HB 1485 Committee

It has been 8 years since the Hampton Beach Master Plan was approved by the Hampton Planning Board. To date the town has done little to implement any recommendations of the plan. The Hampton Beach Village District is seeking legislative approval for the ability to create and enforce Property Maintenance and Landscape Standards in an attempt to improve the state of the aesthetics of the beach area. Planning and Zoning Boards are the current methods to achieve that.

The conditions that some of the seasonal properties when they leave at the end of the season, with graffiti and salvaged plywood in all states of repair is appalling. These conditions would not be tolerated in any other part of town. How do we expect things to improve here if this is allowed to continue?

Shortly after the present Town Manager took office he saw the need to improve things at the beach. He supplied the Building Inspector with a draft plan for a Property Maintenance Standard. The building inspector (not a Hampton resident) responded that he would have no part of it nor would he enforce it. It went no farther.

A year ago I suggested that raised crosswalks could be installed at a few selected locations that would help to control speeding on Ashworth Ave. (Also in the HBMP) This seems to have fallen on deaf ears, as there has been no further discussion.

Others have pointed out that the town zoning ordinances for the beach in no way reflects the conditions present here. Any one who wants to do anything but maintenance is required to seek variances for the smallest thing. Then God help anyone who needs to hire a lawyer, expect it to cost thousands by the time the town gets done with you.

The HBMP states that an inventory of historic buildings should be made and efforts to preserve them. The response from town when I asked the people their opinion of what to do with the 90 year old fire station that is owned by the Precinct was that it was only good for a controlled burn and that we were crazy to put money into repairs. Their plan was to tear it down and pave the area for more parking. They were irate that I ask the people their opinion and that we wanted to save the building.

Thank You  
John Gebhart

Precinct Treasurer Town Zoning Board

## HB 1485 Committee

Hampton Beach's \$12 million dollar sewer infrastructure included new sidewalk, bump outs with tree wells and a \$30 thousand budget for landscaping. However no trees were planted. Property owners were concerned about people falling in the tree wells in front of their establishments. Someone from the precinct asked the BOS to release some of the money from the landscaping budget; the BOS said the money was gone.

In March of 2006 the Hampton Beach Beautification Committee was formed and established a budget for 9 street trees and other municipal plantings. I have been a very active member of this Committee and for the past 4 years have worked hard to establish visible changes suggested in the Master Plan. We have planted 17 trees, put up street banners, placed two commemorative plaques, three boat vignettes, placed 4 flower urns and made the gateways to the beach more attractive with island gardens. We have also done extensive landscaping at Hampton's Bicentennial Park and the State park areas. This work has been funded by the HB Precinct and donations & grant money we have received. Our efforts have been recognized by Governor Lynch in 2008 and the NH Arborists Society in 2009. This has been a good start, but is as far as we can go to address the problems at Hampton beach.

The Hampton Beach Master Plan also suggests the HBVD take on a larger roll in forming the future of the beach that is what HB 1485 is about. Following the suggestions stated in the Hampton Beach Master Plan. The Town of Hampton has done little to implement it over the past 8 years. As the saying goes, "we not only talk the talk but have walked the walk" in making Hampton Beach more aesthetically pleasing. This is our neighborhood and as a community of concerned citizens we have come together to roll up our sleeves to make a difference. Attached is information on HB Beautification Committee's work. I am in favor of HB 1485.

Thank You,

Linda Gebhart

**The Hampton Beach Beautification Committee** was formed March, 2006. The group's mission is to improve the attractiveness of the area and preserve its natural beauty. Much effort and commitment has been directed to making this community a more beautiful place to live and visit. Numerous projects have been completed successfully. In 2006, the committee transformed a blacktop island on Route 1 into a vibrant and beautiful garden. This garden is at the Southern gateway to Hampton Beach and it provides a colorful and natural view as people enter or exit the beach.



The garden has been named The Mile Long Bridge Garden to commemorate the old historic bridge and a plaque will be placed on the garden Spring 2008.

This garden as well as the proposed project, are both located on the NH Coastal Byway along the short New Hampshire coastline. Both sites have great historic and natural value. Beautification efforts will not only make these sites more attractive, but will celebrate their cultural and civic value as they are part of our collective history.









Pine Tree at Bicentennial Park



New Flower Gardens



## **Report of the Hampton Beach Village District**

The Hampton Beach Beautification Committee (HBBC), a subcommittee of the Hampton Beach Village District (HBVD) is now in its fourth year of beautifying the beach.

In March the HBBC and Hampton NROC co-sponsored a Rain Garden public information workshop, this informative evening focused on rain gardens as a low-impact development tool for storm management. In April the HBBC participated in the Earth Week Awareness activities and gave out free pansies seedlings & dog biscuits to the public. On May 1<sup>st</sup> four members received the NH Arborists Association Community Beautification Award at the State House; they were also presented with a book on tree identification for the Lane Library. On May 9th the HBBC and Hampton Garden Club co-hosted a Spring Garden Tea Party at the Partridge House. The day included refreshments and gardening tips and demonstrations for the public to enjoy and get ready for their summer gardens.

Once again this spring WHS students helped to grow flower seeds and pitched in with garden clean-up. A volunteer power washed the Sea Memorial Statue & realigned the curbing around the flower bed and replaced the soil and another volunteer repaired the nose on the statue which had been damaged. Members planted flowers and placed two new urns at the site with the help of Hampton Public Works (DPW) and the urns were planted with rose bushes and volunteers cared for the new flowers all summer, making this popular site more colorful.

In June the 60 new lilacs bushes bloomed at the South entrance to the Beach along with the 400 daffodils & tulips. The 101 wildflower island meadow was a blanket of white daises which was a breath taking sight in June.

The HBBC teamed up with enthusiastic volunteers and DRED to create a "Xeriscape" garden next to the North Beach bathrooms, this water-wise garden incorporates low maintenance and drought-resistant plants and grasses, which were all donated by residents.

In August the first ever "Hampton Blooms" contest was organized with the Hampton Garden Club, winners were announced at a Board of Selectmen's meeting. Five qualified judges picked 20 winners; awards were given out at a reception held at the Tuck Museum.

In the fall more landscaping took place around the North Beach area, a new cobble stone pathway was built between the Town beach parking lot and sidewalk to stabilize the area from erosion and storm runoff. Grant money from the Portsmouth Garden Club and the Drift Wood Garden Club funded this project and with the help of volunteers and the valuable help of the DPW, this pathway was completed quickly.

In December two Christmas trees were put up and decorated by members; one at the Mile Long Bridge Garden and the other at the beach playground. A pine tree at the Beach fire station was also decorated with the assistance of Hampton firefighters. It's been a busy full year for the members who continue to work hard to maintain the projects added each year. We extend our heartfelt appreciation to the HBVD Precinct and the many helping hands that make this all possible. Not only is the Beach being beautified, but this effort is encouraging socialization and is building a strong sense of community.

Respectfully submitted,

Commissioners: Gary Kubik, Chairman Charles Rage, June White

HB 1485

johnlgebhart@aol.com |johnlgebhart@aol.com|

To: Fuller Clark, Martha; Nevins, Chris; Stiles, Nancy; Kepner, Susan; Cushing, Renny; Bridle, Russell

Cc: Cooney, Mary

Dear Martha Fuller Clark and Hampton State Rep's

As the Hampton Beach Village Clerk and a very active member of the HB Beautification Committee I am writing of my support of NB 1485. I would ask that you hear both sides of this issue and not just the strong lobbying efforts which has been going on. A group of Precinct residents are planning on attending the hearing on Thursday and ask that we be allowed to speak. The Hampton Beach Master Plan suggests the HBVD take on a larger roll in forming the future of the beach, that is what this bill is about. Over the past four years the HBBC has worked hard to establish visible changes by municipal plantings, street trees & banners, two commemorative bronze plaques, three boat vignettes & a Xeriscape garden. The BHVD has funded these projects along with donations & grant money for plantings on Town and State property. As the saying goes, "we not only talk the talk but have walked the walk" in making Hampton Beach more attractive and aesthetically pleasing. This is our neighborhood and as a community of concerned people we have come together to roll up our sleeves to make a difference.

Sincerely,

Linda Gebhart

Precinct Clerk

----- Forwarded Message -----

From: "Bob Preston" <senatorbob2001@yahoo.com>  
To: "Nancy Stiles" <NStiles@comcast.net> **HB 1485**  
Cc: "Bob Preston" <BobPrestonRE@aol.com>  
Sent: Tuesday, January 5, 2010 11:15:25 AM GMT -05:00 US/Canada Eastern  
Subject: Fwd: Letter

**HI NANCY,**

**REFERENCE THE LEGISLATION INTRODUCED BY REP. KEPNER - IT IS HER PEROGATIVE TO DO SO, BUT SHE IS FLYING IN THE FACE OF THE TOWN I.E. SELECTMAN OPPOSE. THE STATE ENACTED LEGISLATION TO FORM THE HAMPTON BEACH COMMISSION TO PLAN FOR HAMPTON BEACH.**

**THE TOWN OF HAMPTON HAS A FULL-TIME PLANNER, AND A PLANNING BOARD WITH TWO RESIDENTS FROM THE BEACH, ONE SERVING AS CHAIRMAN.**

**AS A BUSINESSMAN OF SOME FIFTY YEARS AT THE BEACH, I VIEW THIS EFFORT AS BEING VERY DIVISIVE TO THE TOWN OF HAMPTON.**

**THE PRECINCT'S PRINCIPAL ROLE AT THIS TIME IS THE PROMOTION OF THE BEACH, I.E. ADVERTISING, ENTERTAINMENT, FIREWORKS, ETC. IT IS AN EXCELLENT WAY TO RAISE FUNDS TO ADVERTISE OUR BEACH AND BUSINESS'.**

**I AM TOLD THAT THERE ARE ABOUT 200 VOTERS REGISTERED IN THE PRECINCT.**

**ALSO, JOE WILLIAMS, INFORMS ME THAT PERHAPS 60 PEOPLE ACTUALLY VOTE AT THE MEETINGS. JUST THINK OF THAT. 31 VOTES, A MAJORITY, COULD CHANGE THE THE PLANNING AND ZONING THAT THE TOWN HAS ADOPTED. SOME OF THE LARGEST PRECINCT TAXPAYERS DO NOT RESIDE IN THE PRECINCT, I.E. FRED SCHAAKE, CASINO PROPERTIES, RESIDES**

**UP TOWN. A FEW DOZEN PRECINCT VOTERS COULD IMPACT BUSINESS USES AT THE BEACH.**

**IF PASSED, IS THE PRECINCT PREPARED TO HAVE NOT ONLY A PLANNING BOARD, A BOARD OF ADJUSTMENT, BUILDING INSPECTOR, ETC.**

**I WAS HOPEFUL THAT REP. KEPNER WOULD WITHDRAW THIS BILL. IT COSTS THOUSANDS OF DOLLARS FOR EACH PIECE OF LEGISLATION, IT CAUSES TOWN OFFICIALS AND CITIZENS TO SPEND TIME AND MONEY TRAVELLING TO CONCORD TO PROTECT THEMSELVES FROM SUCH RIDICULOUS EFFORTS.**

**I WISH I COULD BE PRESENT TO TESTIFY, BUT AS THE FORMER DEMOCRATIC LEADER IN THE SENATE, I FOUND THE COMMITTEE MEMBERS LOOKED TO HOW THE GOVERNING BOARD OF A COMMUNTIY LOOKED UPON SUCH A BILL. IF THE BOARD OF SELECTMAN TAKE A FORMAL VOTE, AS I UNDERSTAND THEY HAVE, THAT SHOULD BE SUFFICIENT TO KILL THE BILL. MOST REPS. DO NOT WANT TO INTERFERE IN TOWN BUSINESS.**

**AS WELL INTENDED AS REP. KEPNER IS, WANTING TO ACCOMMODATE A "FEW" CONSTITUENTS, SHE IS CAUSING A PROBLEM FOR A LOT OF US IN THE TOWN AND BEACH.**

**PLEASE FEEL FREE TO CONVEY MY FEELINGS TO REP. KEPNER, OR PRESENT MY VIEWS TO THE COMMITTEE.**

**THIS IS NOT A PARTISAN ISSUE, BUT A MATTER THAT PERTAINS TO THE TOWN.**

**THANK YOU FOR YOUR CONCERN.**

**HAPPY NEW YEAR.**

**BOB PRESTON**

**Hampton Beach Area Commission  
100 Winnacunnet Road  
Hampton, New Hampshire 03842**

January 6, 2010

Honorable Mary Cooney, Chairperson  
NH House of Representatives  
House Municipal & County Government Committee  
Main Street  
Concord, NH

Dear Madam Chairperson,

Unfortunately due to my work schedule I am unable to attend your public hearing on House Bill 1485 – Granting zoning and planning powers to Hampton Beach Village District. I have requested that Representative Nancy Stiles present this letter to you and the Committee Members for your review and consideration.

The Hampton Beach Area Commission (HBAC), referred to as “Commission” in this letter, was established in June, 2003 by the New Hampshire legislature under RSA 216-J:1–J:5 to assist in the implementation of the Hampton Beach Area Master Plan. Its duties include consultation and advice to the town and to state agencies to accomplish the goals set out in the 50-year plan.

The Commission is comprised of representatives of all major stakeholders in the Hampton Beach area. There are two members each from the Town of Hampton and the Hampton Beach Village District, and one member each from the Hampton Area Chamber of Commerce, the Rockingham Planning Commission, the NH Department of Resources and Economic Development (DRED), the NH Department of Transportation (NHDOT) and one member at large selected by the other eight Commissioners.

At our December, '09 meeting, Representative Susan Kepner made a presentation to the Commission regarding her reasons for sponsoring the bill and after further discussion between Commissioners, the majority of Commissioners felt that this bill would not be in the best interest of the Town and the Beach area. Therefore, the HBAC would like to go on record as opposing HB 1485.

The primary reasons for the Commission’s opposition of this bill is 1) It would be a duplication of services already provided by the Town of Hampton 2) The HBAC has not seen any lack of service or interest provided by the existing zoning and planning boards that would warrant separate boards dedicated strictly to the Village District 3) the HBAC has worked well with the existing boards whereas the boards have included the Commission in the review process of architectural and design projects impacting the Hampton Beach Master Plan.



Town of Hampton



NH Dept of Resources  
& Economic Development



NH Dept of  
Transportation



Hampton Beach  
Village District



Hampton Area  
Chamber of Commerce

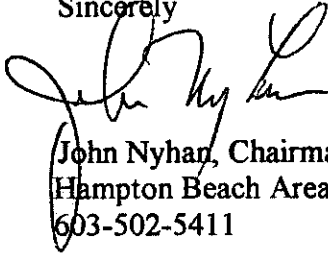


Rockingham Planning  
Commission

Furthermore, it is the advice of the Commission for the Village District to meet with Town officials to discuss ways on how the two organizations can work together for the betterment of the entire Hampton Community.

If you or the Committee requires any additional information, please do not hesitate to contact me.

Sincerely

A handwritten signature in black ink, appearing to read "John Nyhan". The signature is fluid and cursive, with a large initial "J" and "N".

John Nyhan, Chairman  
Hampton Beach Area Commission  
603-502-5411







**The Municipal and County Government Committee**

**Hb 1485**

## The Hampton Beach Village District

The Hampton Beach Village District, better known as the Precinct, began as a direct result of the Town's failure to provide what Beach residents and businesspeople determined were necessary and required municipal services. For most of Hampton's first 250 years of organized history, the concerns of residents who lived in the uptown portion of the community received most of the civic attention and money. 1

Residents repeatedly opposed town meeting warrant articles to provide such basic municipal services as fire protection and a public water system. 1

Few Beach businesspeople were natives. Many of them came to the Beach from cities, and they were used to municipal services. Lovell's streetcars brought thousands of tourists, most of whom were also from cities. They demanded services, as did others who built summer cottages on the leased land from the Town and sub-leased from HBIC. Beach buildings were constructed close together, wells were not adequate, and outhouses and sink drains could not handle the volume of waste produced by Beach visitors. It was not difficult for Beach property owners to add up the amount of taxes they paid and compare that to what the town provided. 1

Between the late 1800's and the 1920's businessmen set up infrastructure to bring more visitors to the Beach. On June 26, 1907 the Village District was established because of the Town's failure to provide needed municipal services. Over the years since the establishment of The Hampton Beach Village District other responsibilities have been added to the powers of the Precinct.

Unfortunately it seems little has changed between the Town and the Precinct since the early 1900's. There are those of us at the beach who are working very hard to bring about positive changes to the beach, many of which you will find in the Hampton Beach Master Plan, but with everything we attempt we are told we do not have the authority to do this and it must go to the Hampton Board of Selectman and many times as a warrant article before the town that gets voted down by the uptown residents. Sound familiar?

It took the beautification committee, which is a committee under the Precinct, three years to get approval to put banners up on the light posts. It shouldn't have taken more than a couple months, hurtles were put up every step of the way. Money for Beach infrastructure

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1 HAMPTON: A CENTURY OF TOWN AND BEACH, 1888-1988, Chapter 2- Part 5  
The Hampton Beach Village District

improvements were taken away from the Beach in a warrant article two years ago. On the lettered streets all the underground infrastructure is in but we cannot put the street lights in because the town in a warrant article voted to take the money away. It is town land and will be town lights, but it is at the Beach.

The Hampton Beach Master Plan under its implementation strategies calls for the Hampton Beach Village Precinct to change substantially. The Plan calls for the Precinct to take on the role and responsibility of implementing a business improvement district for the core mixed-use area of the beach. We cannot accomplish anything if we don't have the authority that goes with it. We would like to establish a housing standards program that would include businesses, but we don't have the authority. We don't even have the authority to require the businesses to do something about the raw plywood that goes up on the buildings right after The Seafood Festival. It certainly does not give off the feeling of welcome to visitors or that we even care about the look of our beach. A business owner suggested that we require the plywood to be painted so that the wood looks like shutters or a window. Great idea, we cannot do it, we don't have the authority.

After looking at other seaside communities that are vibrant, lively and are successful at bringing visitors in year round the one thing we've found is that they either have their own planning and zoning, such as Seabrook Beach and Rye Beach, or they have created a commission or committee that handles the development and improvement of the waterfront, but the committee's have been given the authority to do what they see as needed changes to be a tourist destination and a place people would come to live.

The Hampton Beach Master Plan was completed in 2001, yet not even the short term strategies,(which was 0-2 yrs) have not been implemented. We are more than willing to take on these responsibilities at this time but we need to add planning and zoning to The Precincts duties. We know we have a long road ahead of us, but the first step is for bill Hb1485 to come out of this committee with a recommendation to approve the bill.

**Our Beach in the Fall, Winter &  
Beginning of Spring**

**Uninviting, Unwelcoming,  
Disgraceful**

**Raw & Rotted Plywood Everywhere, Rusted & Rotted Metal on Signs,  
Ceilings & Metal Roll Down Security Doors, Gang Graphite Everywhere**



Vacant Bld. for  
3 yrs. on Ocean Blvd.



5 Vacant lots on  
Ocean Blvd,  
Vacant for 6yrs,

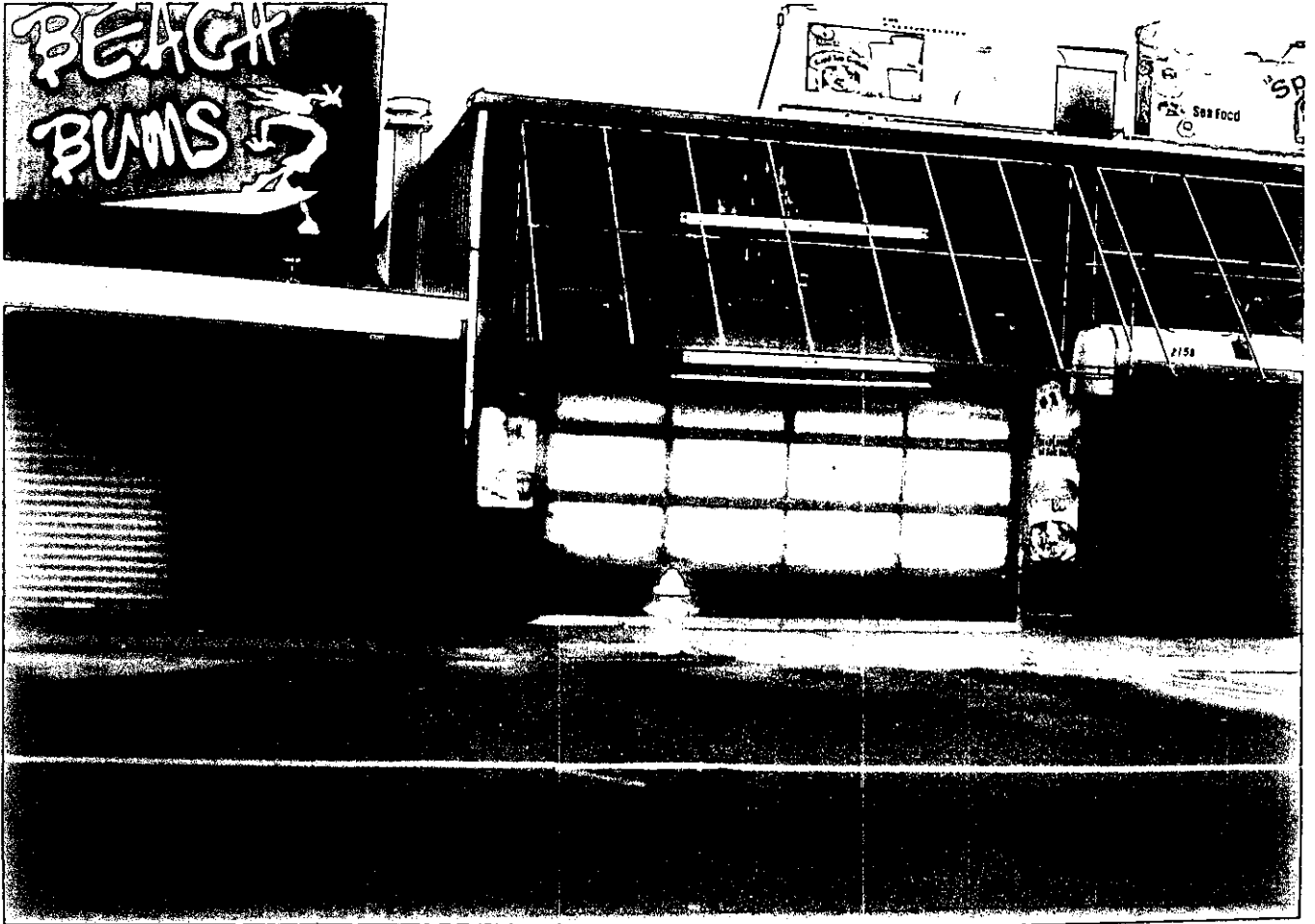








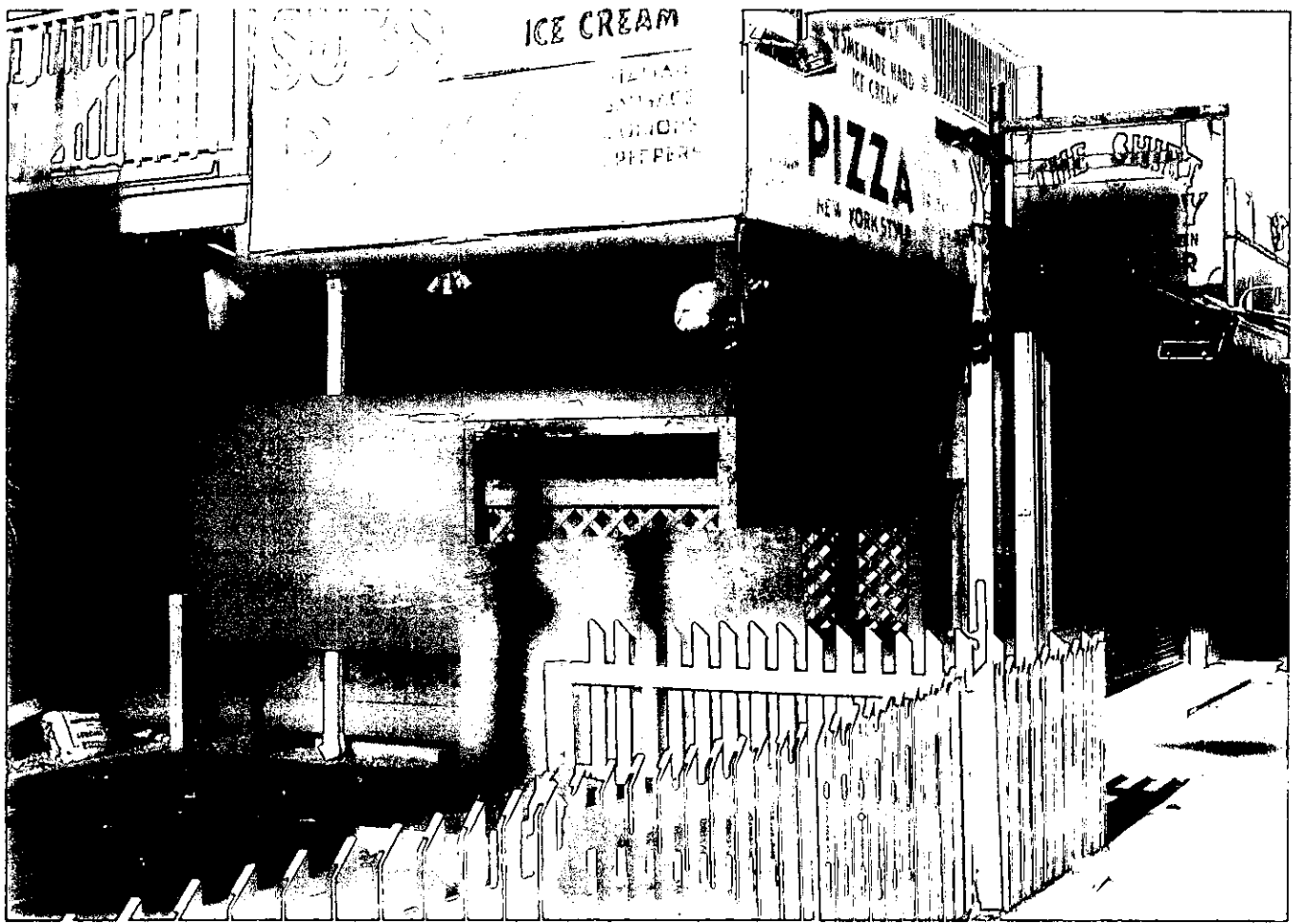




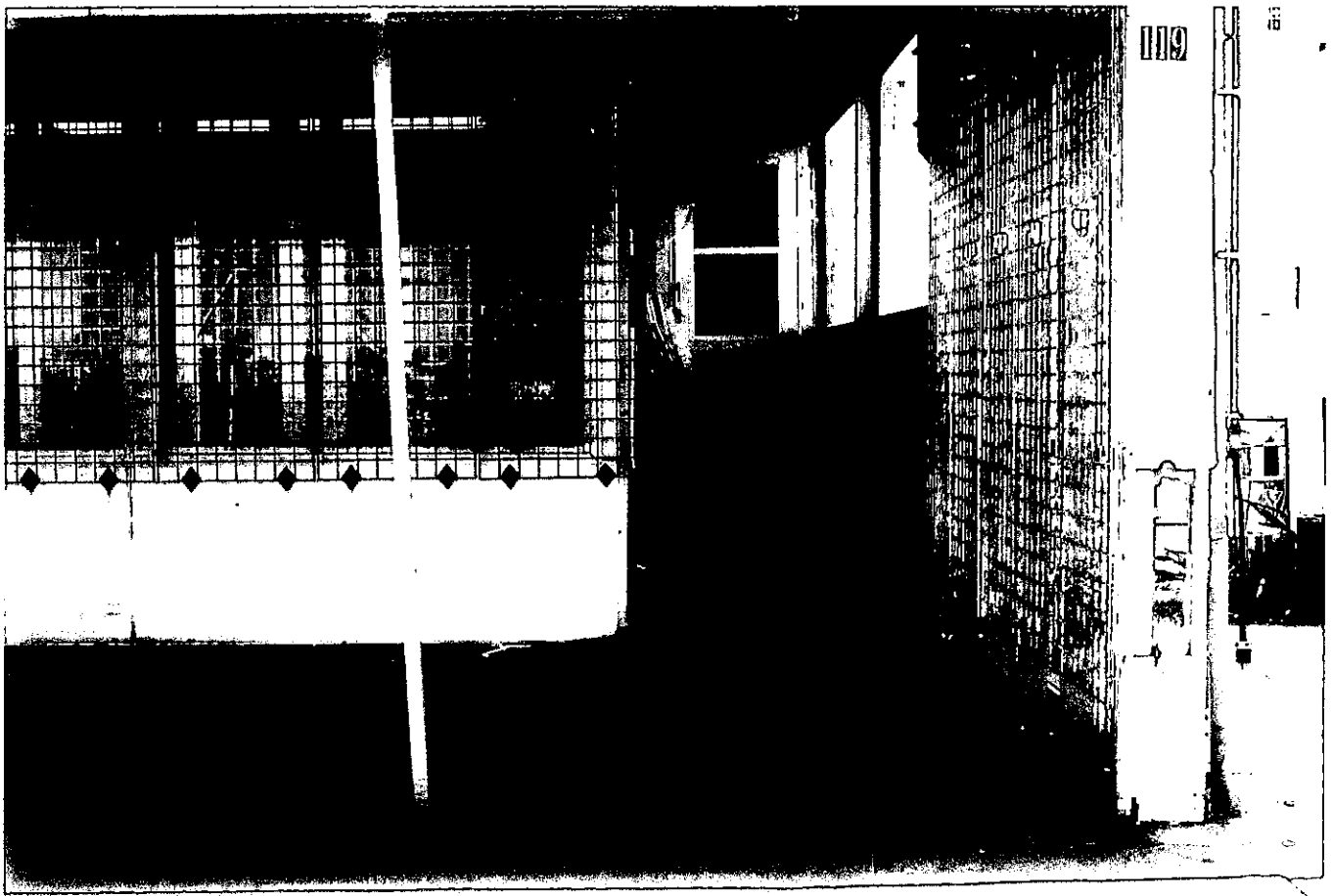
Vacant Bld. Rusting Empty  
Sign Vacant for years







1119

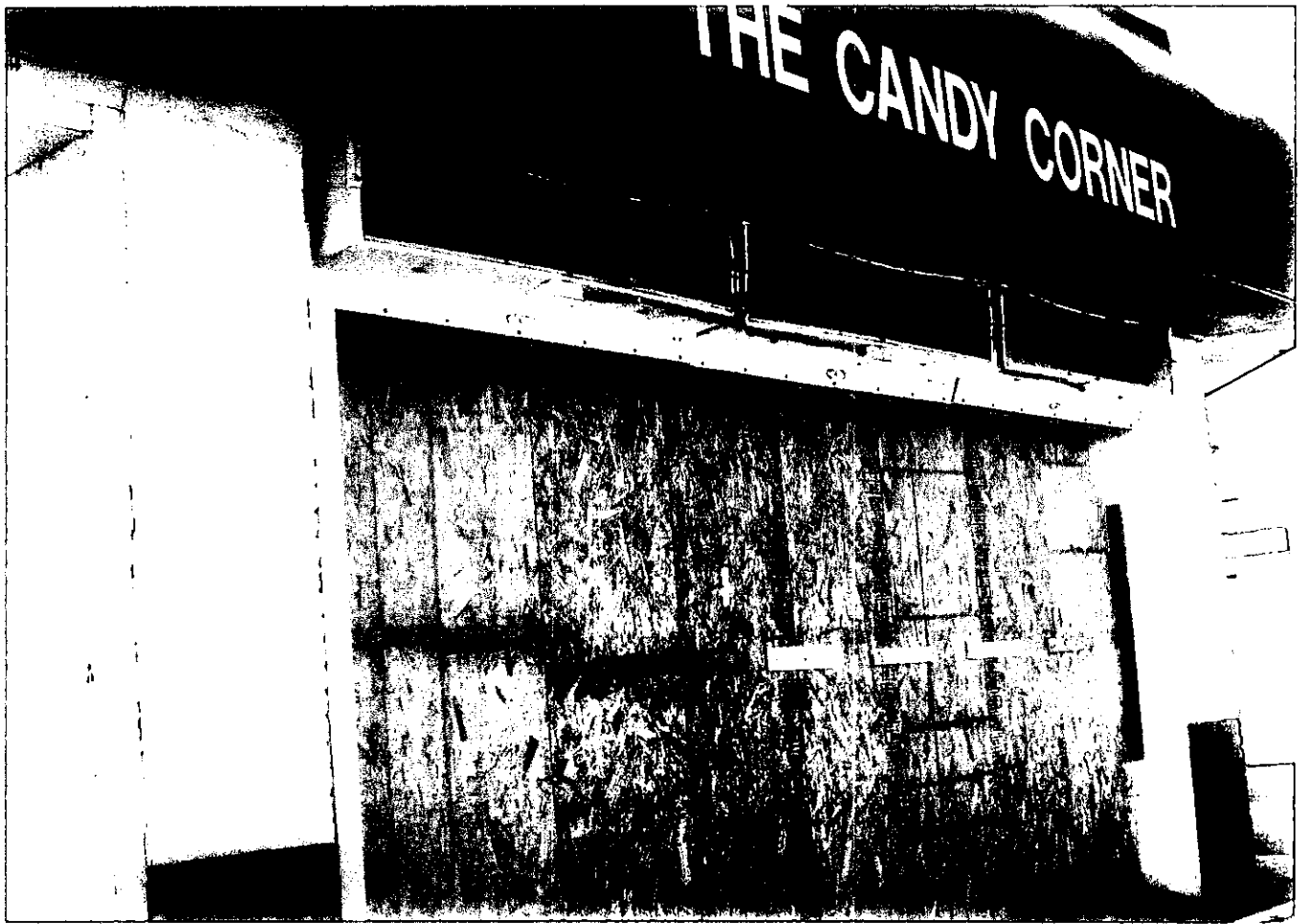


CASINO - FAST - FOODS

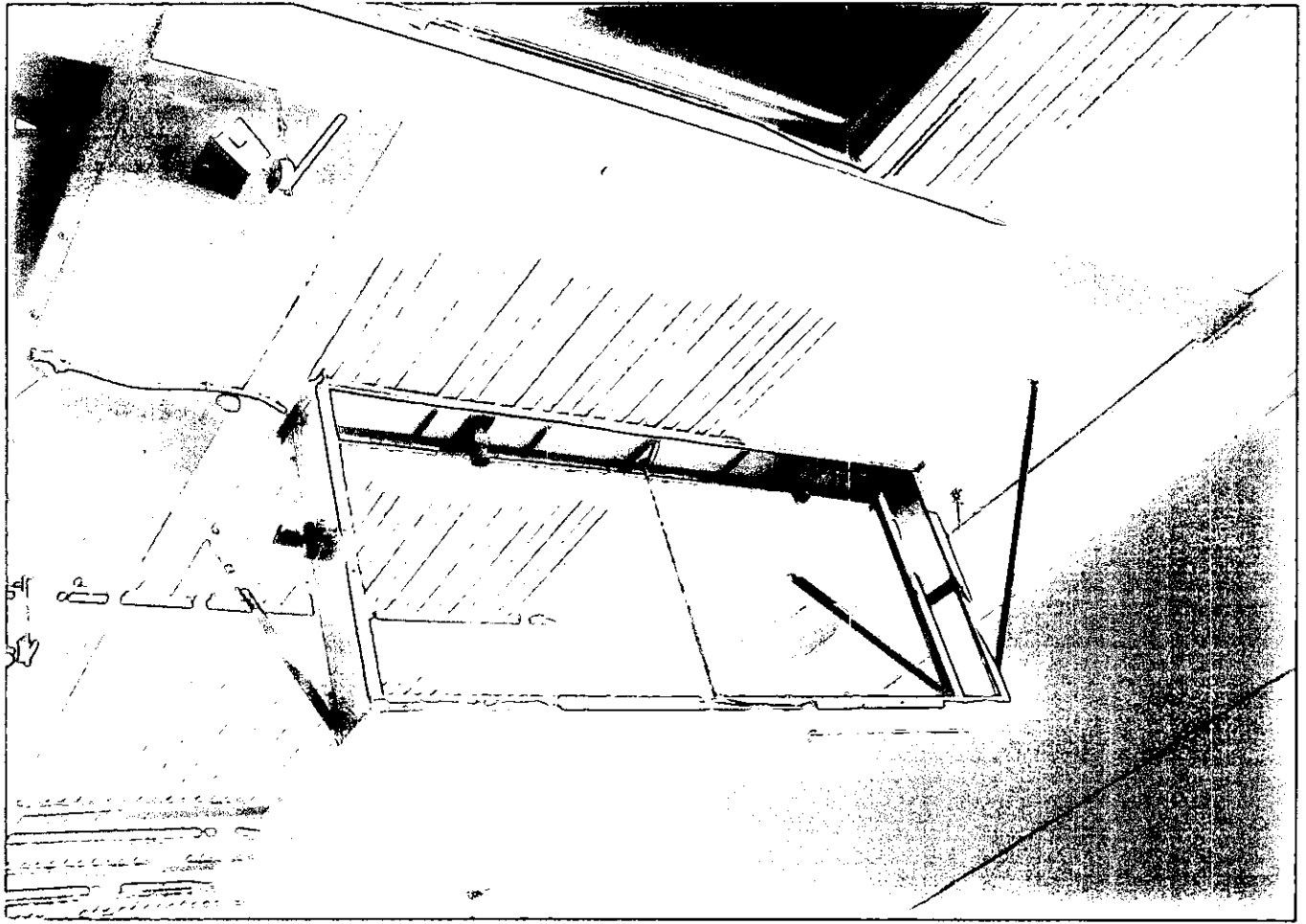


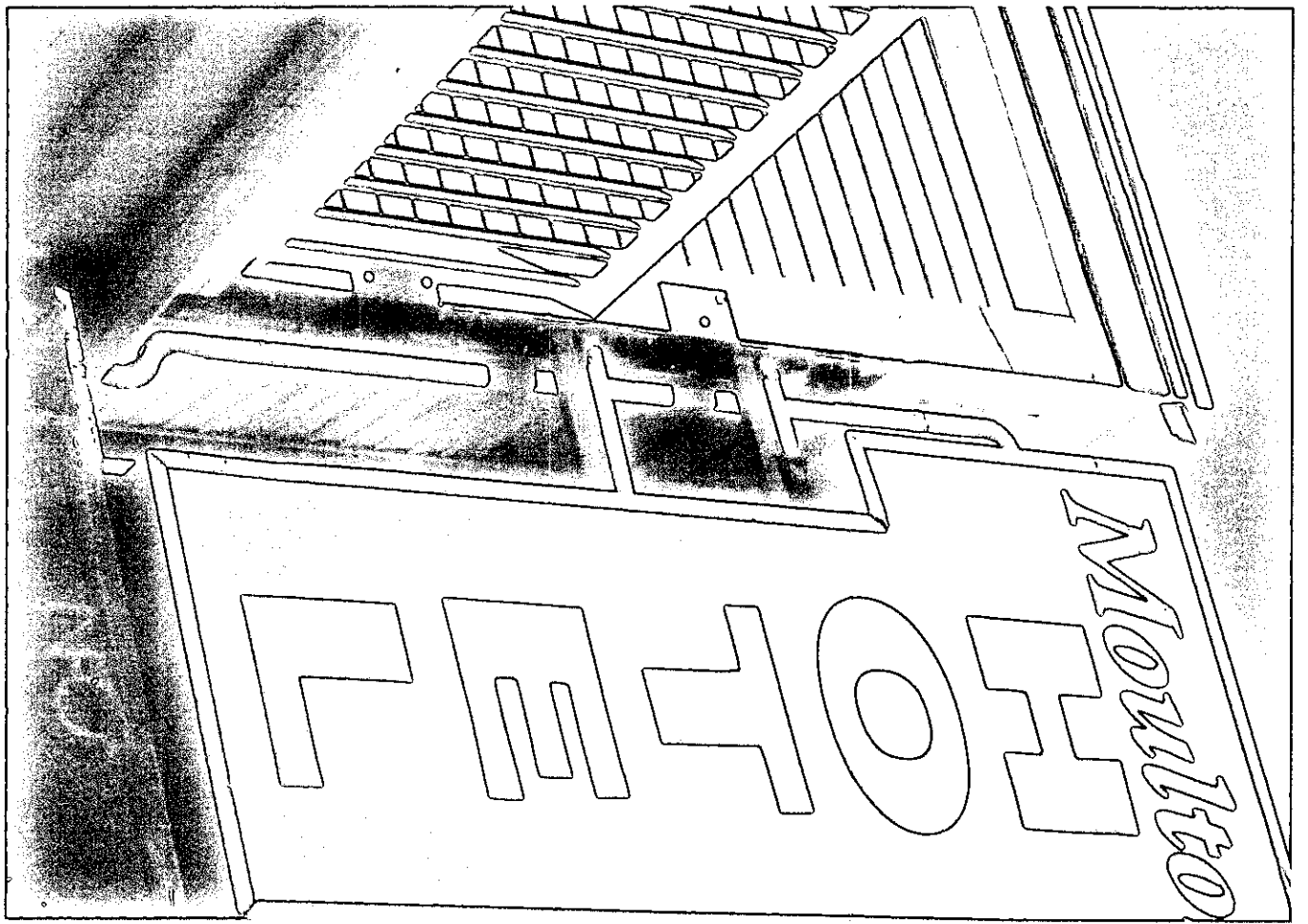
Rusting Roll Doors













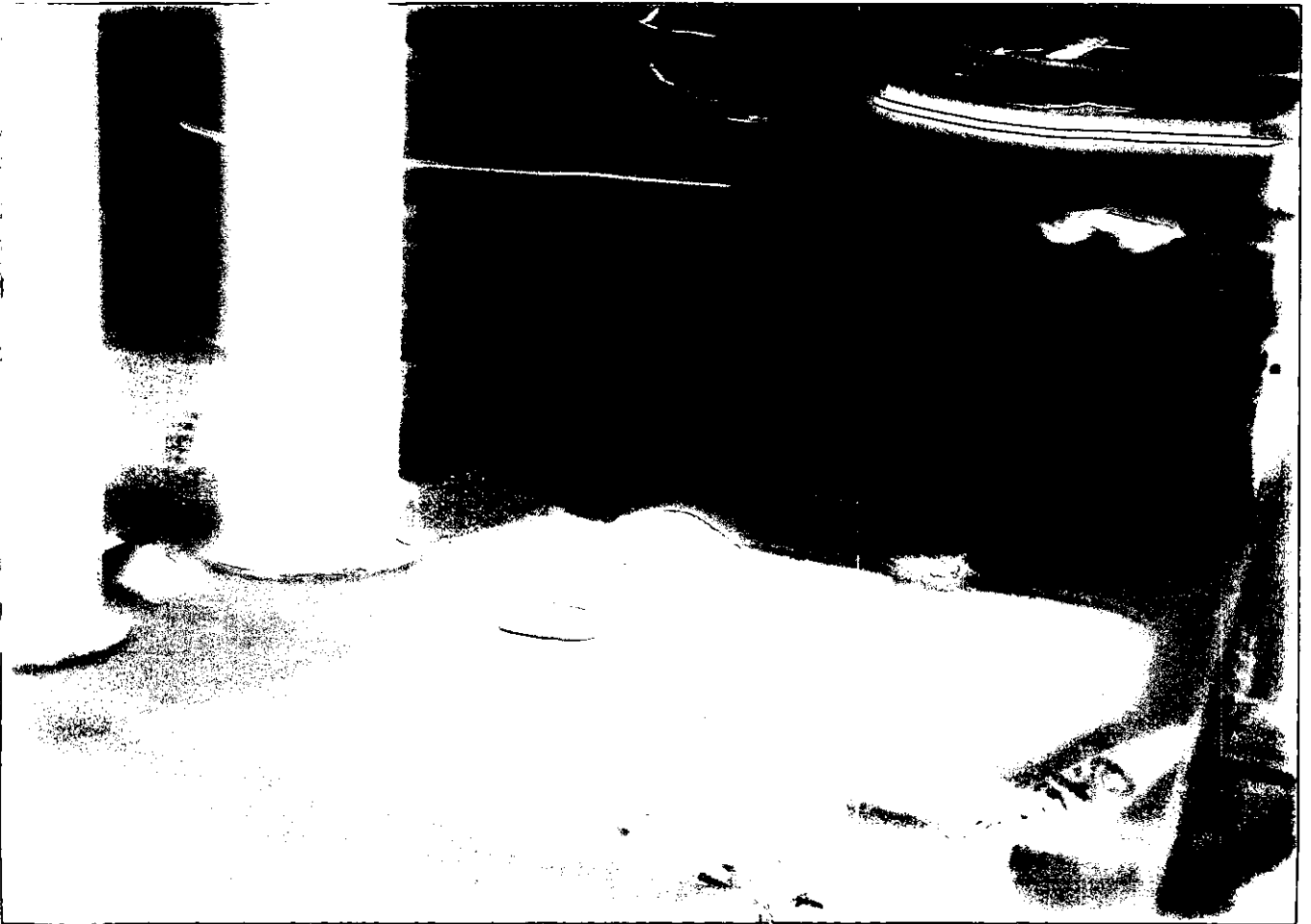
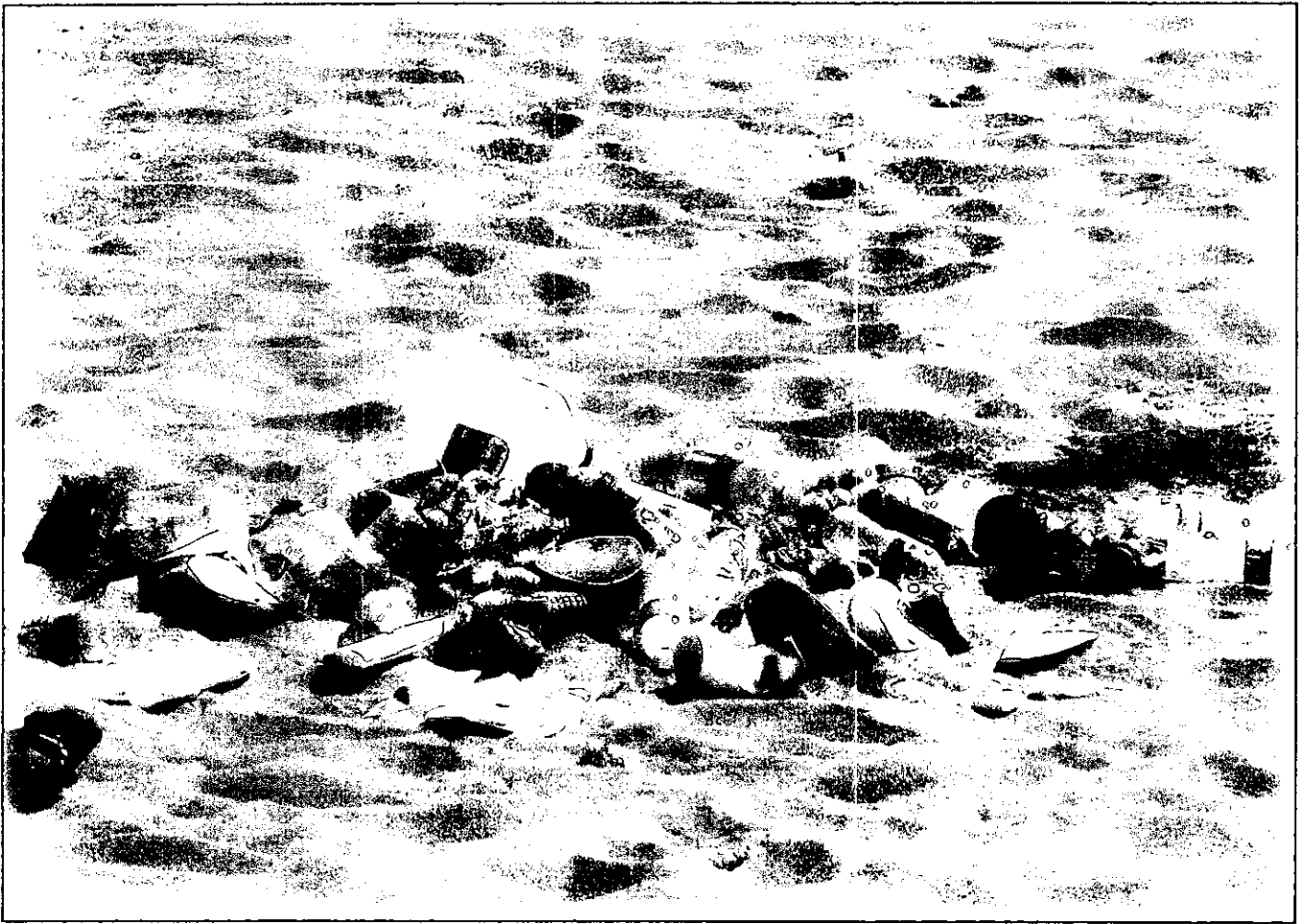
Vacant 3 lots on  
Ocean Blvd. Vacant lots



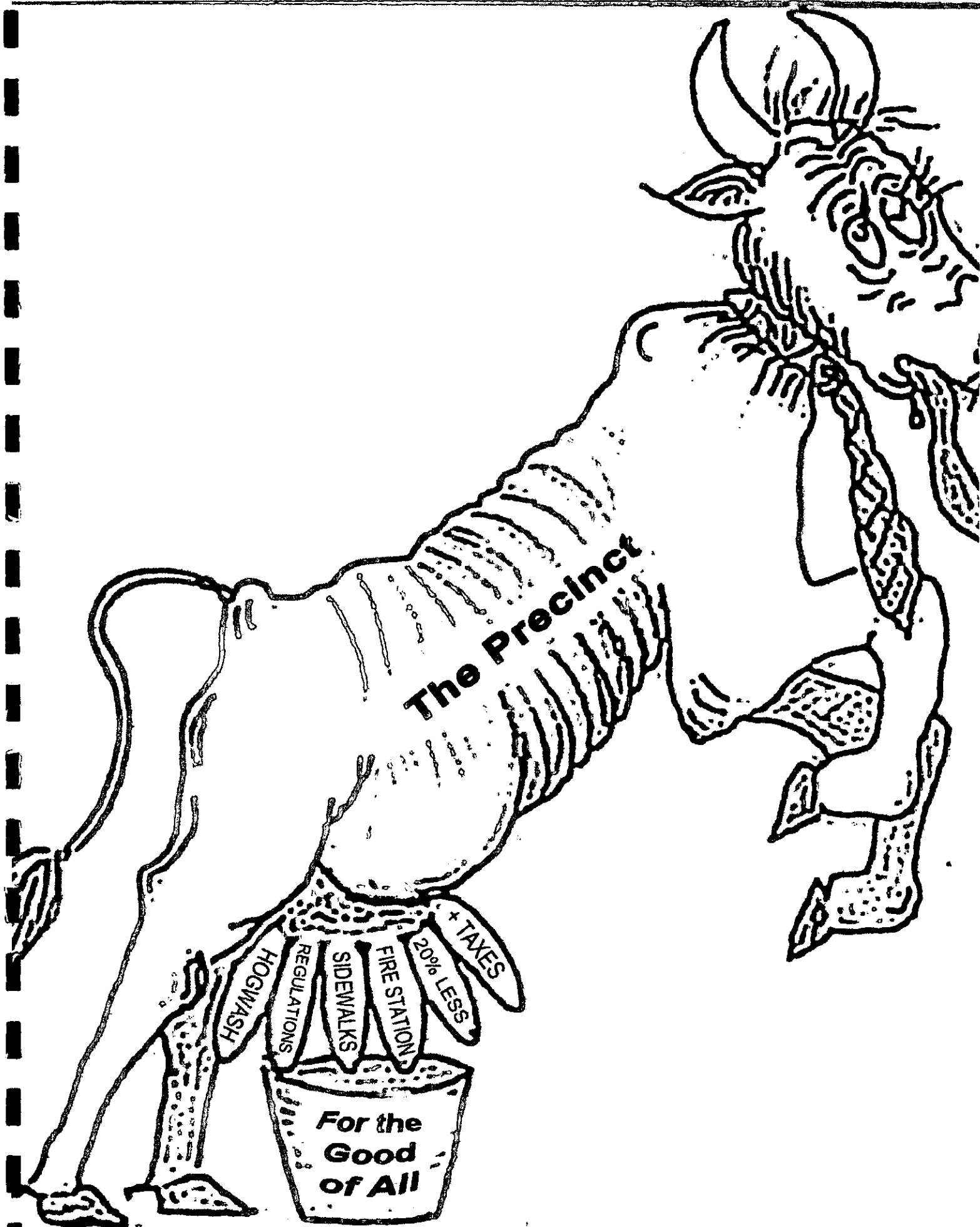
Our State Beach in the Summer

Trash Everywhere







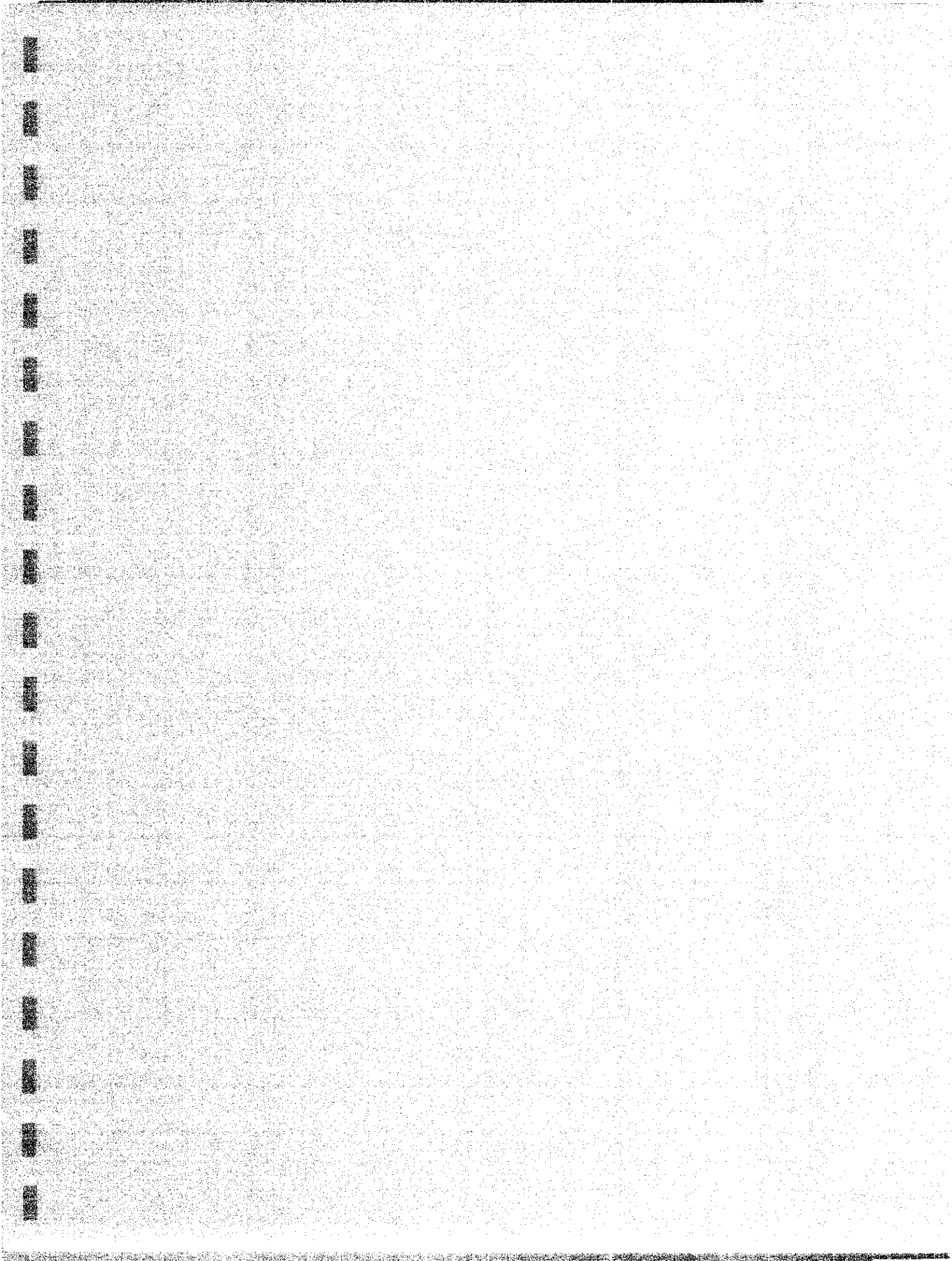


**The Precinct**

**HOGWASH**  
**REGULATIONS**  
**SIDEWALKS**  
**FIRE STATION**  
**20% LESS**  
**+ TAXES**

**For the  
Good  
of All**





# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1485

**BILL TITLE:** granting zoning and planning powers to Hampton Beach village district.

**DATE:** February 4, 2010

**LOB ROOM:** 301

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. Perkins

Seconded by Rep. Brown

Vote: 14-4 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

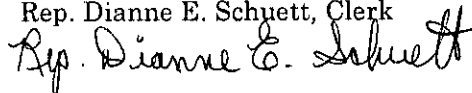
**CONSENT CALENDAR VOTE: NO**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1485

BILL TITLE: granting zoning and planning powers to Hampton Beach village district.

DATE:

2/4/2010

LOB ROOM: 301

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Perkins

Seconded by Rep. Brown

Vote: 14-4 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

MINORITY REPORT

Saliberto

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: #B 1485 Title: granting zoning and planning powers to Hampton  
Black Village District.  
 PH Date: 1/17/2010 Exec Session Date: 2/4/2010

Motion: <u>ITL</u>	Amendment #:	MEMBER	YEAS	NAYS
		Cooney, Mary R, Chairman	14	
		Gagnon, Raymond G, V Chairman	1	
		Osborne, Jessie L	2	
		Brown, Larry	3	
		Laliberte, Suzanne S		1
		Wheeler, Deborah	4	
		Boisvert, Ronald R	5	
		Carlson, Nancy L		2
		Lauterborn, Elaine M		3
		Lewis, Robert D	6	
		Schuett, Dianne E, Clerk	7	
		Patten, Betsey L	8	
		Boyce, Laurie J	9	
		Soucy, Connie M	10	
		Sullivan, James M	11	
		Crisler, Margaret M		4
		Ferrante, Beverly A <i>absent</i>		
		Perkins, Amy Stasia	12	
		Sterling, Franklin W <i>absent</i>		
		Cunningham	13	
TOTAL VOTE:			14	4
Printed: 1/12/2009				

# Committee Report

**REGULAR CALENDAR**

**February 9, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on MUNICIPAL AND COUNTY GOVERNMENT to which was referred**

**HB1485,**

**AN ACT granting zoning and planning powers to Hampton Beach village district. Having considered the same, report the same with the following Resolution:  
RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. Amy Stasia Perkins**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee: **MUNICIPAL AND COUNTY GOVERNMENT**  
Bill Number: **HB1485**  
Title: **granting zoning and planning powers to  
Hampton Beach village district.**  
Date: **February 9, 2010**  
Consent Calendar: **NO**  
Recommendation: **INEXPEDIENT TO LEGISLATE**

**STATEMENT OF INTENT**

This bill would grant zoning and planning authority to the Hampton Beach Village District. The Municipal and County Government Committee recognized the frustration from the citizens in the Hampton Beach Village District who were attempting to improve the beach area. All factions in the town need to work together toward the common goal of revitalizing Hampton Beach as a family resort. The committee felt that passage of this bill would set a precedent where a subset of a town would be empowered with planning and zoning authority that would not necessarily reflect the interests of the whole community. In addition, granting such authority could result in obligating the entire town financially for decisions made by a minority of residents. This bill, if enacted, would not provide a seamless transition of authority and does not consider the far reaching and unintended consequences that could result.

Vote 14-4

Rep. Amy Stasia Perkins  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File



## REGULAR CALENDAR

### MUNICIPAL AND COUNTY GOVERNMENT

**HB1485**, granting zoning and planning powers to Hampton Beach village district. **INEXPEDIENT TO LEGISLATE.**

Rep. Amy Stasia Perkins for the **Majority** of MUNICIPAL AND COUNTY GOVERNMENT. This bill would grant zoning and planning authority to the Hampton Beach Village District. The Municipal and County Government Committee recognized the frustration from the citizens in the Hampton Beach Village District who were attempting to improve the beach area. All factions in the town need to work together toward the common goal of revitalizing Hampton Beach as a family resort. The committee felt that passage of this bill would set a precedent where a subset of a town would be empowered with planning and zoning authority that would not necessarily reflect the interests of the whole community. In addition, granting such authority could result in obligating the entire town financially for decisions made by a minority of residents. This bill, if enacted, would not provide a seamless transition of authority and does not consider the far reaching and unintended consequences that could result. **Vote 14-4.**

Original: House Clerk  
Cc: Committee Bill File

# COMMITTEE REPORT

COMMITTEE: MUNICIPAL & COUNTY GOVT

BILL NUMBER: HB 1485

TITLE: granting zoning and planning powers to Hampton Beach village district.

DATE: 2/4/2010 CONSENT CALENDAR: YES  NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

## STATEMENT OF INTENT:

The committee recognized & applauds the efforts of the attempt to create a Hampton Beach village district. The town as a whole need however to join efforts in this revitalization and resort project. The passage of this bill had an immediate effective date. It was evident that the district was not immediately prepared for its proposed responsibilities. Further a power struggle currently exists and it is hoped that the two entities will work together. Much of the testimony that the committee received <sup>in support of the bill</sup> was from out of state individuals with vacation concerns and rental properties.

COMMITTEE VOTE: 14-4

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. 

For the Committee

Perkins

1485

The committee recognized the frustration from the existing Beach village district. The town as a whole however need to work together and join efforts in their revitalization and resort project. The passage of this bill had an immediate effective date. It was evident that the existing district was not immediately prepared for the zoning and planning powers for which they were seeking. Much of the testimony received by the committee was from out of state individuals with vacation concerns and rental property.

in support  
of the  
bill

This bill would grant zoning and planning authority to the Hampton Beach Village District. The Municipal and County Government Committee recognized the frustration from the citizens in the Hampton Beach Village District who were attempting to improve the beach area. All factions in the town need to work together toward the common goal of revitalizing Hampton Beach as a family resort. The committee felt that passage of this bill would set a precedent where a subset of a town would be empowered with planning and zoning authority that would not necessarily reflect the interests of the whole community. In addition, granting such authority could result in obligating the entire town financially for decisions made by a minority of residents. This bill, if enacted, would not provide a seamless transition of authority and does not consider the far reaching and unintended consequences that could result.

*Mary Cooney*

**REGULAR CALENDAR**

**February 9, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on MUNICIPAL AND COUNTY GOVERNMENT to which was referred  
HB1485,**

**AN ACT granting zoning and planning powers to  
Hampton Beach village district. Having considered the  
same, and being unable to agree with the Majority,  
report with the recommendation that the bill OUGHT  
TO PASS.**

**Rep. Suzanne S Laliberte**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee: **MUNICIPAL AND COUNTY GOVERNMENT**  
Bill Number: **HB1485**  
Title: **granting zoning and planning powers to  
Hampton Beach village district.**  
Date: **February 9, 2010**  
Consent Calendar: **NO**  
Recommendation: **OUGHT TO PASS**

**STATEMENT OF INTENT**

The minority feels that since there appears to be such divergent opinions between Hampton and Hampton Beach that the residents of Hampton Beach should have the right to determine if they want separate planning and zoning. Other seaside communities have decided on separate planning and zoning for beach areas and we feel that Hampton Beach should have the same opportunity.

Rep. Suzanne S Laliberte  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

**HB1485**, granting zoning and planning powers to Hampton Beach village district. **OUGHT TO PASS.**

Rep. Suzanne S Laliberte for the **Minority** of MUNICIPAL AND COUNTY GOVERNMENT. The minority feels that since there appears to be such divergent opinions between Hampton and Hampton Beach that the residents of Hampton Beach should have the right to determine if they want separate planning and zoning. Other seaside communities have decided on separate planning and zoning for beach areas and we feel that Hampton Beach should have the same opportunity.

Original: House Clerk  
Cc: Committee Bill File

MINORITY REPORT

COMMITTEE: MUNICIPAL & COUNTY GOVT

BILL NUMBER: HB 1485

TITLE: granting zoning and planning powers to Hampton Beach village district.

DATE: 2/4/2010 CONSENT CALENDAR: YES [ ] NO [X]

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- RETAINED
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

The minority feels that <sup>since</sup> there appears to be such divergent opinions between Hampton and Hampton Beach that the residents of Hampton Beach should have the right to determine if they want separate planning and zoning. Other seaside communities have decided on separate planning and zoning for beach areas and we feel that Hampton Beach should have the same opportunity.

COMMITTEE VOTE: 14-14

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,  
 SUZANNE LALIBERTE  
 Rep. Suzanne LaLiberte  
 For the Committee  
 LaLiberte